

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA)
) DOCKET NO. 1:17CR142
 v.)
) FACTUAL BASIS
MICHAEL CHRISTOPHER ESTES)
)

NOW COMES the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime. The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

1. At approximately 12:39 a.m. on October 6, 2017, MICHAEL CHRISTOPHER ESTES ("ESTES") walked onto the grounds of the Asheville Regional Airport at 61 Terminal Drive in Fletcher, North Carolina. The defendant was carrying a package containing an explosive device. ESTES placed the package containing the explosive device outside the entryway to /exit from the baggage claim area of the Terminal Building. The package consisted of a Wal-Mart bag, tied in a tight knot, containing another bag, tied in a tight knot as well and containing the explosive device. More specifically, the device was an Ammonium Nitrate/fuel oil or "AN/FO" type explosive device. Ammonium Nitrate acts as an oxidizing agent and absorbent for the fuel source in the device. When AN/FO comes into contact with a flame or other ignition source it explodes violently. Shrapnel or nails or ball bearings are often times added to such devices so as to increase the devastation inflicted by the explosion.

2. The device at the Asheville Airport consisted of a glass Mason type jar with a lid that was locked-down by an incorporated locking device. There were prills – pellets or solid

globules of a substance formed by the congealing of a liquid during processing - inside the jar and two plastic cups containing an unknown liquid substance – believed to be the fuel source. There were pieces of cold compress packs inside the jar. Ammonium Nitrate can be removed from cold compress packs and will congeal or form into prills during processing. Once the Ammonium Nitrate forms into prills, it can absorb the fuel oil necessary to the explosive process. The jar was filled with steel wool that was then wrapped around nails and one shotgun cartridge. The shotgun cartridge was red in color and marked “AA HS 2 ½ - ½ - 9” and the rim of the cartridge was marked “WIN SH” and what appeared to be “410” – believed to be a reference to a Winchester .410 gauge #9 shot which contains approximately ½ ounce of pellets. There was an alarm clock taped to the outside of the jar. There was then a grouping of matches taped to the striker arm positioned between the bells. The alarm clock bells were removed from the clock. One of the alarm clock bells was taped between the glass of the jar and an ignitor or strike strip which appeared to have been torn off a large box of wooden matches – creating the necessary hard surface against which the matches could strike and then ignite. The words “FOR GOD & COUNTRY” were written on the ignitor or strike strip. The alarm was positioned to go off at 6:00, but it was not actually set. There was a message written on the tape surrounding a portion of the clock – “FOR ALL THE V/N VETS OUT THERE!!!” – believed to be a reference to Vietnam Veterans.

3. The Asheville Regional Airport Authority Department of Public Safety was alerted to the presence of a “suspicious bag” outside the Terminal Building at approximately 6:26 a.m. on October 6, 2017. The Asheville Police Department (“APD”), the North Carolina State Bureau of Investigation (“SBI”), and the Federal Bureau of Investigation (“FBI”) responded to the scene. Terminal Drive was shut down and investigators evacuated passengers and employees from the baggage claim area. Bomb technicians rendered the device safe. The substance in the device tested positive for Ammonium Nitrate. A canine specially trained to detect explosive materials also approached the device and “signaled,” indicating the presence of an explosive material.

4. Investigators released a photograph of ESTES. A number of sightings were reported in the area of Airport Road in Asheville on October 7, 2017. Officers from the APD responded and spotted ESTES in the area of the Walmart on Airport Road. ESTES agreed to accompany the officers back to APD Headquarters in downtown Asheville.

5. Investigators responded to APD Headquarters. They advised ESTES of his *Miranda* rights. ESTES waived his rights and agreed to answer questions. ESTES admitted that he built the explosive device and placed it at the Asheville Airport. ESTES bought the precursor materials at Walmart and Lowe’s. ESTES described how he created the device using Ammonium Nitrate, Sterno, and the alarm clock. ESTES admitted to putting the nails in the device as well. ESTES designed the device so that the alarm clock would go off, the matches would strike, the Sterno would heat up, and then the Ammonium Nitrate could explode. ESTES claimed that we were getting ready to “fight a war on U.S. soil.” ESTES explained that terrorists were coming to the United States and he believed that the federal agencies were unprepared to fight them. ESTES wanted to show how easy it was to make an explosive from products easily purchased at stores and to leave it at an airport. He was adamant that his intention was not to hurt the public but to devise a training scenario. He believed that this country was under constant threat and the agencies were not getting adequate training to do their job. ESTES denied actually setting the alarm clock

when he placed the device at the Asheville Airport and claimed that he placed the device at the Airport for pickup by law enforcement so that law enforcement would "now know how" to make a similar device. ESTES told investigators that the explosive was safe as long as it was kept cold and out of direct sunlight.

6. ESTES also told investigators that he staged a backpack in the woods across from the airport. It was a green backpack with camping and survival items. ESTES bought the backpack at the REI Store in Biltmore Park and placed it in the woods on October 4, 2017 or October 5, 2017. Investigators found the defendant's backpack and belongings in a wooded area located across the street and to the east of the Airport. Investigators found a black tool bag that appeared to contain additional items underneath the backpack. Among other items found in the tool bag, investigators observed a roll of Gorilla Tape – which was consistent with some of the tape used on the device at the Asheville Airport, Kobalt gloves, Sterno Firestar Gel – consistent with the fuel source used in the device at the Asheville Airport, and what appeared to be an alarm clock bell – consistent with the bell missing from the clock found on the device at the Asheville Airport. Ammonium Nitrate, because of the danger associated with the substance and the irritation and pain it can cause to the skin, is generally handled with protective gloves. There was also a bag containing shotgun shells, red in color and marked "AA HS 2 1/2 - 1/2 - 9" and the rims on the cartridges were marked "WIN SH" and "410" – matching the shotgun shell observed in the device at the Asheville Airport – as well as marbles.

7. Records maintained by the Walmart store located at 60 Airport Road, in Arden, North Carolina, confirmed that the roll of Gorilla Tape, Sterno Firestarter Gel, glass Mason type jar, matches, cold compress packs, and the alarm clock were purchased October 3, 2017. Surveillance video taken from the Walmart store confirmed that the defendant purchased the precursor materials. Records maintained by the Lowe's store located at 19 McKenna Road, in Arden, North Carolina, confirmed that the steel wool was purchased on October 1, 2017, the pair of Kobalt gloves and a Sharpie marker – consistent with the writing found on the device, were purchased on October 3, 2017, and the black tool bag was purchased on October 4, 2017. Surveillance video taken from the Lowe's store confirmed that the defendant made the October 3, 2017 and October 4, 2017 purchases.

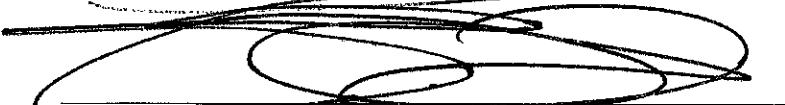
8. At the time ESTES possessed the explosive device at the Asheville Regional Airport on October 6, 2017, the Airport was subject to the regulatory authority of the Federal Aviation Administration. The Greater Asheville Regional Airport Authority was the agency, department or other person responsible for the management of the airport. ESTES possessed the explosive device at the Airport without the consent of the Greater Asheville Regional Airport Authority.

R. ANDREW MURRAY
UNITED STATES ATTORNEY

THOMAS M. KENT
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Indictment, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Indictment, and the plea agreement. I hereby certify that the defendant does not dispute this Factual Basis.



FREDLYN SISON, Attorney for Defendant

DATED: 1-10-2018